5. RECOMMENDED REGULATORY CHANGES

Local land use regulations offer the opportunity to implement access management techniques for both new and existing development. The primary tool available for land use regulation at the local level is the zoning ordinance. While existing development, with accompanying access management problems, is "grandfathered" in, or allowed to continue if legally established, new development as well as any changes on the type or intensity of development offers a wonderful opportunity to allow the local unit to implement access management provisions contained in the ordinance.

Zoning

Ontonagon's existing zoning ordinance was adopted in 1975 and has been amended periodically since then. As with many older zoning ordinances, however, the local ordinance contains several provisions that either encourages development in a manner inconsistent with good access management, or which do not adequately address access-related issues. Zoning provisions which affect access management include lot size, lot width, setbacks, sign regulations, and site plan review.

Lot Size and Width

Since the traditional approach to access regulation has been to allow at least one driveway per parcel, zoning districts which allow small lots and/or narrow lot widths tend over time to result in a proliferation of driveways. This is particularly true in older residential areas where lots may have been platted with widths of 50 or 65 feet in some communities. When this development abuts local streets with low speed limits and relatively light traffic, access problems are minimal, particularly when access is gained through alleys. However, when development along state trunk lines and arterial streets occurs with these narrow lot widths, the potential exists for numerous conflict points. The situation is further exacerbated when the lot contains insufficient space for residents to turn their vehicles around before entering the street, resulting in vehicles backing onto the street into approaching traffic.

Within the Village of Ontonagon, the residential districts that abut the study corridor span a wide variety of minimum lot widths requirements ranging from 50 to 100 feet. The R-1 district, which encompasses the areas along M-38 from Mercury Street to the Village limits, along the southern third of US-45, and along a portion of the south side of M-64, (see Map 3) requires a minimum lot width of 100 feet; if all areas in this district were developed at this minimum width with one driveway per lot, driveways could occur every 125 feet on each side of these highways. MDOT recommends 350 feet of spacing for 45 mph which is the current speed limit along these stretches of roadway. The potential problem of inadequate driveway spacing becomes evident. Of course, in reality not all lots will be developed in the immediate foreseeable future, nor will

they all be developed at the minimum size; however, the regulations do allow for driveway spacing that creates potential access management issues.

In the R-2 district, the minimum lot width is 75 feet. This district encompasses M-38 from Mercury to Parker streets and US-45 from two blocks south of Chalk Street on the west and from Slate Street on the east north to Mercury Street. While the speed limit along these stretches of highway is lower (35 mph), MDOT recommends 245 feet of spacing for this design speed, which is still much greater than the potential driveway spacing. In the R-3 district, along US-45 from Mercury Street to M-38 and along M-38 from Parker Street to US-45, the minimum lot width is 50 feet, with the roadway still under a 35 mph speed limit.

Since much of this area has already been platted many years ago into small lots, simply increasing the minimum lot width required by the zoning ordinance will not address the potential access management issues in platted areas. In unplatted areas, an increase in the minimum lot width would help to alleviate the problem, but would reduce the number of lots that could be developed. Since it is more efficient to provide utilities and services in more densely developed areas, and since development of more lots translates to increased tax base for local units, an increase in minimum lot width by itself is not the ideal answer. Instead, provisions which encourage shared driveways, frontage roads, and subdivisions with internal road networks and a minimal number of accesses onto trunk lines can control access while still allowing a density of development that is cost effective for both developer and service providers. This allows more closely spaced driveways on local roads, where speeds are low and traffic is relatively light, and channels access onto state trunk lines and major streets to a limited number of access points. Existing lots and newly-platted small lots can still be developed under this scenario, without creating an excessive number of conflict points on the corridor. The open space provisions required by recent changes to the City-Village Zoning Act (since replaced by the Michigan Zoning Enabling Act, PA 100 of 2006) can also address access management concerns through clustered development in newly-platted areas.

The business and industrial districts in Ontonagon do not contain minimum lot widths or lot sizes. While not uncommon in downtown business districts where businesses often build to the sidewalk and share sidewalls, this is inappropriate for most areas. In industrial areas, lot widths and setbacks which allow for adequate fall zones for smokestacks and similar structures, and provide for buildings to be set back from lot lines proportionally to the building height address a variety of health, safety and welfare issues in addition to access management. Since business and industrial development typically produce higher volumes of traffic than residential development, along with increased traffic by commercial vehicles, driveway spacing, sight distances, and sharing of access points become more critical in these areas than in residential areas where traffic generation is less. Access management provisions in these districts should require a minimum number of access points with adequate sight distance and turning radii for

truck traffic, along with turn lanes and flares, shared parking lots and access points, etc. where appropriate

The Village of Ontonagon Zoning Ordinance should be amended to include access management provisions, as well as to include minimum lot widths and setbacks in the business and industrial districts. Larger minimum lot widths and sizes in currently unplatted areas should also be considered.

Setbacks

Setback requirements govern how close structures may be built to the lot line of a parcel. In terms of access management, the setback from the front lot line is generally of most interest, since this affects sight distance at intersections and driveways. Rear setbacks affect the amount of space available for rear entrance roads. The existing front setback requirement in the R-1 district is 35 feet; in the R-2 and R-3 districts it is 30 feet. In the B-1 and industrial districts there is no minimum setback, meaning that structures could potentially be built right to the front lot line. Due to the increased traffic generation potential, as well as the propensity for heavy truck traffic in industrial areas, setbacks which at least allow for adequate sight distances at driveways and plant entrances should be adopted. Adequate room for frontage roads or shared driveways should be required wherever feasible.

Sign Regulation

In early 2006, the Village of Ontonagon adopted an amendment to the Village Zoning Ordinance to regulate signs within the Village. This amendment was prompted in part by a desire to maintain clear sight distances and avoid visual clutter along the new highway corridor. The plans for the new alignments of M-64 and M-38 include attractive entrance and directional signs, in order to welcome visitors and inform them of the location of the central business district. Additional signs along the corridor would be discouraged.

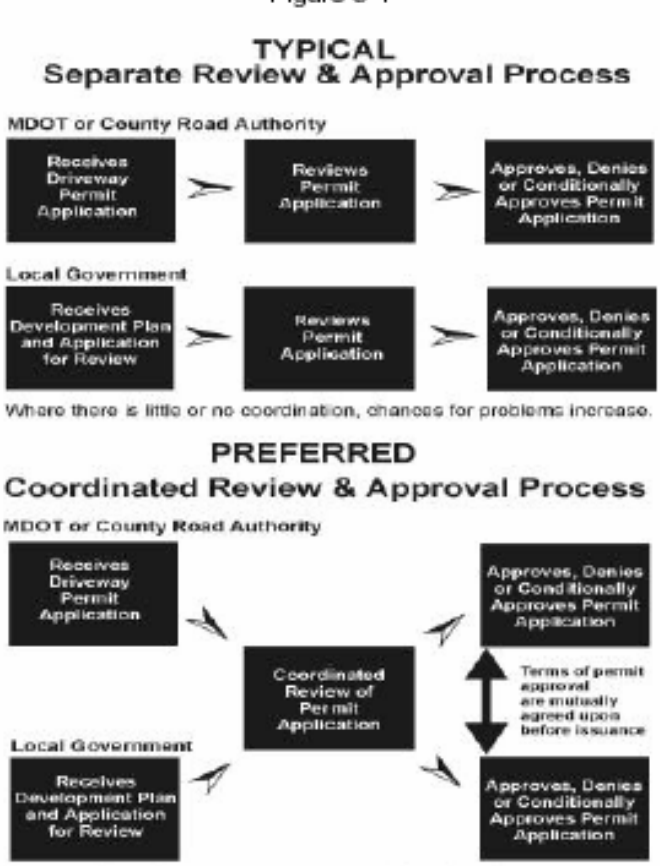
The sign provisions regulate the height, size, lighting and type of sign, with specific language requiring adequate sight distance at intersections. For example, Section 62-3.1(11) b states that “no signs shall be located on any street or street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signs or signals in any location. No sign shall obstruct the vision of drivers at any driveway, parking lot or other route providing access to any land use.” Signs are prohibited with any right-of-way within the Village, and billboards are prohibited throughout the Village. Signs are limited to those which advertise a business or industry within the Village. Pole signs are limited to no more than 20 or 30 feet in height, depending on the zoning district in which they are located, and must be at least 10 feet from the ground. Ground signs must be placed back from the right-of-way.

Coordinated Site Plan Review

Site plan review is a critical tool for local units of government which can address a host of land use issues in addition to access management. However, older zoning ordinances typically require no site plan review, or at best require a minimal site plan which entails sketching the proposed location of structures relative to lot lines. In the Village of Ontonagon, the zoning ordinance requires a permit for "erection, moving or use of any building ," but does not specifically state that a site plan is required as part of the information to be submitted as part of the application for a permit. The permit application must "state the . . . dimensions, height and location of any building or structure to be erected or moved upon the premises, including all yard dimensions and accessory buildings, if any," but there is no requirement that this information be contained on a drawing rather than in a narrative description. There are no requirement as to scale, level of detail, etc. if the applicant were to provide a site plan, nor is there a review procedure involving anyone other than the zoning administrator. The site plan should be reviewed by a traffic engineer or someone with experience in driveway design and traffic flow information which have enormous consequences on Access Management.

Site plan review involves the submission and review of a site plan, at a scale and level of detail determined to be adequate by the Village. The requirements for the items to be included in the site plan, as well as the review procedure, should be codified within the zoning ordinance. In order to avoid imposing an undue burden on residential development, applicants who propose to build a single-family or two-family dwelling on a single lot are generally required to provide a lower level of detail than other types of development. In all cases, the site plan should be drawn to scale and include the dimensions and uses of all structures, distances to lot lines, and locations of driveways. Uses other than residential, single-lot development should also be

Figure 6-1



Adapted from: Michigan Department of Transportation, *Improving Driveways and Access Management in Michigan*, 1996, p. 9.

required to show topography; parking areas; utility easements; storm drainage; information on signage, landscaping, lighting, etc.; information on abutting roads, streets, and alleys; and driveway and intersection locations within a specified distance of the subject property. This information enables the reviewer of the site plan to determine whether or not the proposed development adequately meets the requirements of the ordinance. The location of driveways, their proposed operation for ingress and/or egress, proposed traffic flow within the subject property, distances of the proposed driveway from other off-site drives and intersections, signage, landscaping, topography, parking and distances between structures and lot lines are particularly relevant to access management. Proposed site plan review language for the Village of Ontonagon is included as Appendix A.

The “coordinated” nature of site plan review is unique to access management, although the concept of integrating site plan review by all permitting entities could certainly have applicability elsewhere. For purposes of this plan, however, coordinated site plan review means that the Village of Ontonagon, the Michigan Department of Transportation, and the Ontonagon County Road Commission will engage in a coordinated review of site plans with a specific focus on access management issues. The three entities will meet to conduct an ad-hoc review of site plans, and draft written recommendations to be considered during the permitting process, in order to insure that access management concerns are addressed. This allows for interaction between the permitting entities, where information, expertise and ideas are shared. The process carries with it advantages for both applicant and permitting entities. The applicant enjoys the advantage of review at one time by all entities, which should expedite the permitting process; the permitting entities have the opportunity to discuss any concerns they may have and arrive at a solution that addresses those concerns in a cooperative manner.

Local governments also enjoy advantages with the site plan review process. The “coordinated” nature of site plan review offers the added benefits of shared resources to the Village when they team up with the county and state transportation departments because it allows them to tap into a collective wealth of traffic engineering expertise. Additionally, the county and state government officials gain strength in their positions when they are reinforced by the soundness of the local zoning regulations. Coordinated permit reviews allow zoning jurisdictions to condition site plan approval on receipt of a driveway permit from MDOT and/or the County Road Commission; those agencies can also condition their permits on receipt of zoning approval from the local government. Not only does this prevent developers from sidestepping important access management standards, it also typically results in a higher level of review of pending site plans, as many experienced persons may spot important considerations than any one alone may miss. It can also point out emerging traffic safety or capacity problems that otherwise might not come to the attention of the road authority for some time. Developers typically benefit from the coordination by not having to take matters back and forth between key agencies as often, since those agencies are already sitting down together in review of the same site plans. Timing is everything and if the team meets regularly and returns review comments quickly, it increases

the likelihood that developers will include Access Management concepts in their site development plans.

Coordinated permit reviews also reduce the need for a separate monitoring and enforcement activity as all the responsible parties meet monthly, and if a permittee is not properly following through with an issued permit, it is likely that several members of the group will have observed it in their travels on the corridor. It is also a beneficial forum for discussion of any needed changes to access management standards. If over time, a particular standard is recognized as problematic in multiple jurisdictions, then it may need to be changed. If it is changed in one jurisdiction, it most likely will need to be changed in all. By keeping a uniform set of access management standards along the corridor, the development community will more quickly become familiar with the standards and will not be faced with multiple sets of standards with slight differences that are otherwise hard to keep track of.

Another benefit of the coordinated site plan review procedure becomes evident when permit applicants request a variation or deviation from particular access management standards. By sharing experiences and carefully reviewing the merits of such requests, the participants in the site plan review process will benefit from the thinking that goes into the conclusion, making it less likely that precedents are set that are then cited by of future permit applicants as justification for a deviation on their project.

The coordinated site plan review committee for the Village of Ontonagon will include the Village zoning administrator; a representative from the MDOT Transportation Service Center in Crystal Falls, a member of the Village Planning Commission, and a representative from the Ontonagon County Road Commission, since proposed uses may also affect roads under the Road Commission's jurisdiction. The committee will meet bi-monthly, or more frequently if needed, to review new applications and site plans as well as to discuss and monitor development which has already been reviewed and permitted.